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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First-Named Inventor: SHTEYN, Yevgeniy E.	Docket No.: PHA23-782
Application No.: 09/433257 Conf.: 2314	Art Unit: 2154
Date Filed: 11/04/1999	Examiner: Lin, Wen Tai

Title: PARTITIONING OF MP3 CONTENT FILE FOR EMULATING STREAMING

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

TRANSMITTAL LETTER

Sir:

There are a total of 6 pages in this submission which includes this transmittal letter, as well as the documents listed below:

- ☒ Chage of Correspondence Address - 1 page
- ☒ Reponse to Office action dated 20-OCT-2003 - 4 pages
- ☐ _____

The Commissioner is hereby requested and authorized pursuant to 37 CFR §1.136(a)(3), to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Date: 2/18/04

Respectfully submitted,

By _____

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CERTIFICATE OF MAILING or TRANSMISSION

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(Date) 18 FEB 2004 (Signature) _____
(Name) Daniel L. Michalek

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Tukeen B
2/24/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Atty. Docket
YEVGENIY EUGENE SHTEYN	PHA-28.782
Serial: 09/433,257	Group Art Unit: 2314
Filed: 11/04/1999	Examiner: LIN, WEN TAI

PARTITIONING OF MP3 CONTENT FILE FOR EMULATING STREAMING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. 1.111

Sir:

The following Remarks are responsive to the Office Action of October 20, 2003.

REMARKS

The Office Action of October 20, 2003 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The present invention relates to a flexible, client-driven method of media retrieval and presentation, as well as an intelligent client device for carrying out such method. In

an exemplary embodiment, the method uses a parseable control information file such as an XML file. Media retrieval and presentation begins with retrieval and parsing of the control information file. A control script is then run by an XML interpreter, using output from the XML parser. In general, the control script retrieves files, or segments of the media presentation, from one or more server s in a computer network for sequential playout. Insofar as the particulars of which files are retrieved, when and from where, however, the control script offers great flexibility. For example, two or more alternative files may be provided corresponding to the same section of a media presentation, with the client device selecting between the alternatives based on device capability, for example, or network conditions, or other considerations.

Claims 4-6, 14, 17 and 20 were rejected under 35 USC 102(b) as being anticipated by Cohen. Claims 2 and 3 were rejected as being unpatentable over the same reference further in view of Lin et al. ("Lin"). Claims 12, 13, 15, 16, 18, 19, 21 and 22 were rejected as being unpatentable over Cohen in view of Bayeh et al. ("Bayeh"). The rejections are respectfully traversed.

Addressing now the rejection under 35 USC 102 based on Cohen, the rejection states in part:

> Cohen taught the invention as claimed including ... the client device parsing the control information file [58, Fig. 5; note that parsing is an inherent function of a browser]....

Applicant respectfully disagrees. As described in column 6 of Cohen, clicking a link associated with the "connection file" of a desired media presentation causes an interactive display application—i.e., a proprietary media player--to be activated. The media player know *a priori* the format of the connection file, which therefore need not be parsed. The connection file and the media player must be updated, if at all, in lock-step. The resulting system is rigid and inflexible.

The connection file in Cohen is *not* received and acted upon by the browser, which Applicant agrees does perform parsing in order to render content. Rather, it is received and acted upon by the interactive display application, or media player.

Accordingly, claims 4-6, 14, 17 and 20 are not believed to be anticipated by Cohen.

With respect to claims 2 and 3, the combination of Lin with Cohen does not remedy the deficiencies of Cohen. Claims 2 and 3 are therefore believed to be patentable at least for the same reasons as claim 14.

With respect to claims 12, 13, 15, 16, 18, 19, 21 and 22, the combination of Bayeh with Cohen still fails to teach or suggest the salient features of these claims.

Bayeh teaches the separation of underlying data and format information to be applied to that data in storing and serving up web-based information. Referring to the cover figure of Bayeh, the data may be stored in the form of XML, while the format may be stored in the form of XSL ("Extensible Style Language"). When a web page is requested, the XML data is retrieved so that the XSL format information may be applied to it to form a *conventional* HTML data stream 96'. Such a conventional HTML data stream is what is received by the client computer. That is, from the standpoint of the client, it neither knows or cares whether the arrangement of Bayeh is used, as it makes no difference to the operation of the client.

The Office Action states in part: "[I]t would have been obvious...that Cohen's connection file could have been written as an XML file, because XML is more flexible in defining control/information tags." However, as may be appreciated from the foregoing discussion, taking Cohen and Bayeh in combination, it would not have been obvious for the client to receive a connection file written as XML. There is no teaching whatsoever within the four corners of the references themselves to support this contention.

For the foregoing reasons, claims 14, 17 and 20 are believed to patentably define over Cohen. Dependent claims 2-6, 12, 13, 15, 1618, 19, 21 and 22 are also believed to add novel and patentable subject matter to their respective independent claims. Withdrawal of the rejection and allowance is respectfully requested.

Respectfully submitted,

Michael J. Ure, Reg. 33,089

Dated: February 19, 20042